

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action mailed September 15, 2008 (hereinafter "Office Action"). In response, Applicant has amended independent Claims 1 and 9 clarify the recitations thereof by removing the use of the term "pre-programming" and highlighting that the device is prepared during the manufacturing thereof by programming a menu system of the device to facilitate the downloading of applications, which is not disclosed or suggested in the cited references. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

Independent Claims 1 and 9 are Patentable

Independent Claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Canadian Publication No. CA 2 318 293 to Sasse (hereinafter "Sasse") in view of U. S. Patent Publication No. 2003/0143988 to Jamadagni (hereinafter "Jamadagni"). Independent Claim 1 has been amended to clarify that the menu system is programmed during the manufacturing thereof and recites, in part:

preparing the device during the manufacturing thereof by programming a menu system of the device in dependence of and preparation for several predetermined applications to be downloaded, some of the applications originating from different service providers, each having a different server, such that a correct server associated with the respective application is contacted, such that the device is adapted to display a menu in which a user may navigate, the menu being tailored to handle downloading of settings in connection with said applications and guiding the user; and

actuating the device by means of a keystroke while in said menu causing the device to contact a server and download the settings for the application.

Amended independent Claim 9 includes similar recitations. According to the recitations of

independent Claim 1 a menu system for a device is programmed during the manufacturing thereof to facilitate downloading of applications originating from different service providers. Settings for an application may be downloaded using the menu system, which is already customized for the application. (See, e.g., Specification, page 2, lines 13 – 17 and page 4, lines 21 - 26). Embodiments according to the recitations of independent Claims 1 and 9 may provide for a user-friendly device by preparing the device before delivery to the user, such that the user may select operations in a predefined, built-in menu system for downloading settings of an application to be downloaded. The user does not have to enter any data or information. The user only has to select the desired lines or mark the desired boxes in the menu system of the device.

Sasse addresses the problem of making it easier for a user to use added value services. (Sasse, Abstract). This is done, however, by downloading an object that updates or modifies an existing menu system. Sasse discloses the use of menus and menus that can be updated. It is the objects that are downloaded, however, that may contain updates to the menu system. Sasse does not disclose or suggest preparing a terminal in advance during the manufacturing thereof to help the user to request services/applications. By contrast, embodiments according to the recitations of the independent claims provide for preparing the device during the manufacturing thereof by programming a menu system of the device to facilitate downloading applications(s) may allow the user to avoid going through a complex process to download applications/functions.

The Office Action cites the disclosure of a "terminal assisted menu" on page 1A of Sasse as disclosing "pre-programming before any action taking place." (Office Action, page 7). The terminal assisted menu referred to in Sasse, however, relates to the downloading of an object and execution on the terminal to modify existing menus. Sasse provides no disclosure or suggestion of preparing the device during the manufacturing thereof by programming a menu system to facilitate downloading application(s).

Moreover, one skilled in the art would not be motivated to modify the terminal disclosed in Sasse to program a menu system during the manufacturing thereof as the goal of Sasse is to make it easier for a user to use added value services. Sasse solves the problem by

Attorney Docket No. 9564-26
Application Serial No. 10/531,808
Filed: April 18, 2005
Page 7

loading objects containing data in the form of programs, functions, etc. via an aerial interface. The functions, program applications, etc. are loaded in loading stations at the seller or service provider. Hence, one skilled in the art is taught away from modifications made during the manufacturing of the terminal and directed to implementations related to a service provider or seller.

With regard to Jamadagni, this reference describes a system for automatically downloading protocol personalities over a channel to a mobile terminal. Jamadagni, however, fails to provide the teachings missing from Sasse regarding preparing a "device during the manufacturing thereof by programming a menu system of the device in dependence of and preparation for several predetermined applications to be downloaded."

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1 and 9 are patentable over the cited references, and that dependent Claims 2 – 5, 7, 8, 10 - 13, and 15 - 17 are patentable at least by virtue of their depending from an allowable claim.

CONCLUSION

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



D. Scott Moore
Registration No. 42,011

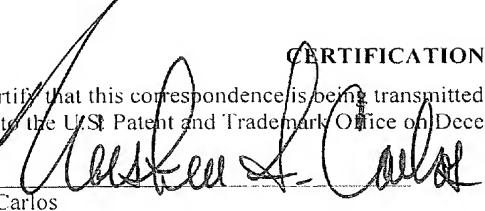
USPTO Customer No. 54414
Myers Bigel Sibley & Sajovec
Post Office Box 37428

Attorney Docket No. 9564-26
Application Serial No. 10/531,808
Filed: April 18, 2005
Page 8

Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the US Patent and Trademark Office on December 15, 2008.


Kirsten S. Carlos